

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALICIA HARRIS,

No. C-08-5198 EMC

Plaintiff,

v.

**ORDER RE JOINT LETTER OF
DECEMBER 1, 2010**

VECTOR MARKETING CORPORATION,

(Docket No. 382)

Defendant.

The parties have submitted a joint letter, dated December 1, 2010, regarding a dispute over the language to be used in the Rule 23 class notice. Having considered the joint letter, the Court hereby rules as follows.

1. Question 3: "What is the position of Vector?"

Vector asks that additional language be inserted regarding its position on the reimbursement of Sales Representatives for sample kits. The Court disagrees with Vector's contention that the additional language is necessary in order for Vector's position to be accurately stated. The additional language explains *why* Vector denies that it is required to reimburse. For purposes of the class notice, that information is not necessary. The Court also notes that, in Question 2, Ms. Harris does not provide the reasons why she believes Sales Representatives are entitled to reimbursement.

Accordingly, the Court orders that the additional language requested by Vector not be included in the class notice.

2. Opt-Out Postcard

Ms. Harris asks that the opt-out postcard include the following language: “To stay in the Class, you do not have to do anything and should not return this postcard.” Simply because the statement is true does not mean that it should be included on the opt-out postcard. The Court finds the language unnecessary because the postcard already states in three different places that the postcard is to be sent if the individual is asking to remove or exclude himself or herself from the class: (1) “**REQUEST TO BE EXCLUDED FROM THE CLASS**”; (2) “**To remove yourself from the Class, complete and return this postcard**”; and (3) “By signing and returning this form, I hereby exclude myself from the class action”

Accordingly, the Court orders that the additional language requested by Ms. Harris not be included in the postcard.

This order disposes of Docket No. 382.

IT IS SO ORDERED.

Dated: December 2, 2010


EDWARD M. CHEN
United States Magistrate Judge